

Amendments to the Claims:

Please amend the claims as shown. Applicants reserve the right to pursue any cancelled claims at a later date.

1.-23 (canceled)

24. (new) A method for transmission of software for a performance characteristic on demand, the software transmitted to a terminal from a server in a packet network, the method comprising:

triggering a bandwidth test via a load request of the performance characteristic;
determining if a present bandwidth is sufficient for transmission of the demanded software within a specified time limit; and
inhibiting the transmission of the demanded software if the bandwidth test determines that the present bandwidth is insufficient.

25. (new) The method according to claim 24, wherein a required bandwidth is calculated according to a specified upper limit for a transmission time.

26. (new) The method according to claim 25, wherein the required bandwidth is available to the terminal and is included the request.

27. (new) The method according to claim 26, wherein the server has access to the requested software and the required bandwidth.

28. (new) The method according to claim 27,
wherein the bandwidth test provides a positive test result if the bandwidth is suitable for a realtime application or
wherein the bandwidth test provides a positive test result if the bandwidth is suitable for a substantially realtime application or
wherein the bandwidth test indicates a sufficient bandwidth which is equal or greater than the required bandwidth.

29. (new) The method according to claim 27, wherein information regarding the present bandwidth is made available by a network resource manager and is updated on request by the server or after a period of time

30. (new) The method according to claim 29,
wherein the manager manages priorities for bandwidth demands, and
wherein if the required bandwidth is less than present bandwidth for the transmission, the manager:

determines a difference between the required bandwidth and the present bandwidth;

finds at least one process having a lower priority than a process requesting the bandwidth and a bandwidth that at least equals the difference; and

allocates the bandwidth of the lower priority process to requesting process so that the requesting process has a bandwidth at least equal to the required bandwidth.

31. (new) The method according to claim 29,
wherein if the required bandwidth is less than an existing bandwidth for the transmission a message is sent to the terminal,
wherein the message includes a rejection or a rejection of the load request.

32. (new) The method according to claim 31, wherein the message is shown to a user of the terminal.

33. (new) The method according to claim 31, further comprising generating a subsequent load request in response to a temporary rejection of the load request.

34. (new) The method according to claim 31, wherein a permanent rejection is generated by at least one temporary rejection or a comparison of the required bandwidth with a maximum available bandwidth.

35. (new) A server in a communication network, comprising
an available bandwidth memory that stores bandwidth data for a terminal connection;

a performance characteristic providing device having a performance characteristic memory that stores software and access to the available bandwidth memory;

an interface from the device to a terminal through which the software is transmitted to the terminal, the interface that receives a loading inquiry message,

wherein the loading inquiry message initiates a broadband test to determine whether to transmit the software in accordance to the message if the result of the bandwidth test indicates an available bandwidth is suitable for transmitting the software.

36. (new) The server according to claim 35, further comprising a bandwidth demand memory that stores a required bandwidth for a performance characteristic to be used in the broadband test.

37. (new) The server according to claim 36, further comprising a maximum available bandwidth for the terminal connection to be used in additional or alternative broadband tests.

38. (new) The server according to claim 36, further comprising a network resource allocation device operatively connected to the performance characteristic providing device and operatively connected to the available-bandwidth memory,

wherein the network resource allocation device allocates bandwidth for the loading inquiry and accordingly update the available bandwidth memory or

wherein the network resource allocation rejects the loading inquiry.

39. (new) The server according to claim 38, wherein the network resource allocation device is operatively connected to a network resource test device operatively connected to the available bandwidth memory at the terminal connection in order to determine and store a current bandwidth.

40. (new) The server according to claim 38, wherein the network resource allocation device is operatively connected to a network resource allocation memory that stores bandwidth data that is allocated via a process and stores a priority of the process, the network resource allocation device redistributes bandwidth depending on the process priority and the loading inquiry message to provide the suitable bandwidth for the loading inquiry message.

41. (new) The server according to claim 40, wherein the network resource allocation device is operatively connected to a network resource inquiry memory that stores data on a request bandwidth in order to manage the process having no bandwidth presently allocated.

42. (new) A terminal for data processing in a communications packet network, comprising
a user interface having a display of performance characteristics;
a performance characteristics loading device that is operatively connected to a server via the network; and
a rejection of a loading inquiry for a requested performance characteristic, the rejection sent by the server,
wherein the user interface is adapted to modify the display of the requested performance characteristic after the rejection.

43. (new) The terminal according to claim 42
wherein the requested performance characteristic is highlighted or
wherein the requested performance characteristic is omitted.

Amendments to the Abstract:

In the English translation document, please add the abstract at page 29 line 1, as follows:

--ABSTRACT

A method for transmitting on-demand software and/or data from a server to a terminal in a packet network is provided. According to the method, a bandwidth test is performed as a prerequisite for transmission, said test verifying whether the currently available bandwidth is sufficient for transmitting the requested software or data. The server does not transmit the requested software or the requested software or the requested data if the results of the bandwidth test is negative.--